

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 13,188

)

Appeal of)

)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing his food stamps. The issue is whether SSI benefits received by the petitioner's wife constitute income available to the household in computing the household's food stamp allotment.

FINDINGS OF FACT

The facts are not in dispute. The petitioner lives with his wife and their four children. Prior to November, 1994, the household's sole source of income was the petitioner's wages from employment. In October, however, the petitioner's wife became eligible for SSI payments of \$500.87 a month. The Department counted this payment as additional income to the household and reduced the petitioner's food stamps from \$466 to \$247 a month. The petitioner does not dispute that the Department correctly calculated his household's income. He does not feel, however, that his wife's SSI should be counted to reduce the family's food stamps.

ORDER

The Department's decision is affirmed.

REASONS

Food Stamp Manual § 273.1(a) requires that spouses who live together with minor children must be considered a single household unless both of them are elderly or disabled. ⁽¹⁾ Section 273.9 of the regulations provides that all unearned income of any household member, including SSI, must be

included in determining that household's eligibility for food stamps. Inasmuch as the Department's decision in this matter is in accord with the above regulations the board is bound by law to affirm it. ⁽²⁾ 3 V.S.A. § 3091(d) and Food Stamp Fair Hearing Rule No. 17.

#

1. Under the regulations a single elderly or disabled parent can be considered a separate household.
2. At the hearing in this matter, held on December 22, 1994, the petitioner was advised to immediately apply for ANFC, for which it appears the household would be eligible.